

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-052524

10/12/2007

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
M. Wetherell
Deputy

IN RE THE MARRIAGE OF
STEPHEN F JELACIC

RICHARD J BOYD

AND

FAY L JELACIC

FAY L JELACIC
10462 N NICKLAUS DR
FOUNTAIN HILLS AZ 85268

MINUTE ENTRY

Courtroom 109 NE RCC

9:39 a.m. This is the time set for Resolution Management Conference re: Respondent's Motion for Temporary Order re: Spousal Maintenance and Child Support. Petitioner/Father is present with counsel, Richard J. Boyd. Respondent/Mother is present on her own behalf.

A recording of this proceeding is made by CD and videotape in lieu of a Court Reporter.

Discussion is held regarding the status of this case.

Respondent/Mother has filed a Motion for Temporary Spousal Maintenance and Child Support. Respondent/Mother is not entitled to child support as the children are not in her care at this time.

On a temporary basis,

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IT IS ORDERED denying Respondent's request for spousal maintenance.

IT IS FURTHER ORDERED that each party shall possess one of the vehicles that are community property. Mother shall have exclusive use and possession of the Honda Odyssey and Father shall have exclusive use and possession of the Jeep. Father shall turn over the Honda Odyssey to Mother forthwith.

The above orders are subject to final allocation at trial.

At counsel's request, the Court will set this matter for Trial in mid to late February by minute entry.

10:01 a.m. Matter concludes.

LATER:

TRIAL DATE

IT IS ORDERED setting Trial to the Court on **February 20, 2008 at 10:00 a.m.** (time allotted: two hours) in this Division at:

NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET
COURTROOM 109
PHOENIX, ARIZONA 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

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DISCLOSURE/DISCOVERY

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **at least 30 days** prior to trial.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **at least 15 days** prior to trial.

3. Counsel and both parties shall personally meet, face to face, at least twenty (20) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

JOINT PRE-TRIAL STATEMENT

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than **10 days** prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Information completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

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3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS ORDERED that if either party has exhibits to be marked, exhibits to be offered at time of trial shall be **hand-delivered** to the clerk of this Division **at least 5 days prior to date of trial**. Each exhibit shall be listed on a table of contents and separated by a sheet of colored paper or by stapling to easily identify where one exhibit ends and the next begins. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement any exhibits that the parties specifically agree are admissible at the hearing. **Exhibits not stipulated to by the parties must be moved into evidence at trial.**

FINDINGS OF FACT

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, *Arizona Rules of Family Law Procedure*, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial. All proposed findings of fact and conclusions of law shall also be submitted on a CD or disc in Word format.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*.

NOTE: Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT**.

POSTPONEMENTS AND SCHEDULE CHANGES

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court business days before the scheduled hearing.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.